

ORDINANCE NO. _____

AN ORDINANCE relating to land use; regulating the siting and design of wireless communications facilities.

WHEREAS, the Board is concerned that the proliferation of wireless communication towers may substantially impact the public welfare if not appropriately regulated; and,

WHEREAS, the Board has previously imposed a moratorium on the construction of such towers pending the adoption of permanent regulations; and,

WHEREAS, the planning commission following a duly advertised public hearing has recommended adoption of permanent regulations substantially in the form provided for in this ordinance; and

WHEREAS, following its own duly advertised public hearing the board concludes that adoption of the regulation contained in this ordinance is in the public interest; now, therefore,

BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, as follows:

Section 1. New. A new Chapter of the Clark County Code, Chapter 18.415 Wireless Communications Facilities, as shown in Exhibit “A” is hereby adopted.

Section 2. Amendatory. Section 14.04.050 (Amendment of Section 101.3, UBC) of the Clark County Code is amended as follows:

Section 101.3 of the Uniform Building Code shall be amended as follows:

Sec. 101.3. The provisions of this code shall apply to the construction, alteration, moving, demolition, repair, and use of any building or structure within Clark County, except work located primarily in a public way, public utility towers and poles, **amateur radio and**

citizen band support towers less than seventy (70) feet in height, mechanical equipment not specifically regulated in this Code, hydraulic flood control structures, and agricultural buildings as defined in Section 202. **This exception does not apply to wireless communication, radio or television towers.**

Additions, alterations, repairs and changes of use or occupancy in all buildings and structures shall comply with the provisions for new buildings and structures except as otherwise provided in Sections 3403.2, 109, and 302.1 of this Code.

Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(Ord. 1974-07-50 (part), 1974; amended by Sec. 2 of Ord. 1985-05-28; amended by Sec. 2 of Ord. 1995-11-39.

Section 3. Amendatory. Section 18.104.760 (Utility substation facilities) of the Clark County Code is amended as follows:

“Utility substation facilities” shall mean a subsidiary or branch facility utilizing aboveground structures which is necessary to provide or facilitate distribution, transmission or metering of water, gas, sewage, radio signals and/or electric energy. Such facilities have a local impact on surrounding properties and may consist of, but are not limited to the following:

- A. Water, gas and electrical distribution or metering sites;
- B. Water or sewage pumping stations;
- C. Water towers and reservoirs;
- D. Public wells and any accessory treatment facilities;
- E. Transmission towers and accessory equipment to provide radio **and television** ~~and data communication service, radio paging or cellular communications service;~~
- F. Telephone switching facilities. (Exh. A of Ord. 1993-05-02)

Section 4. Amendatory. Subsection 18.302.020(L) (Forest and Agriculture Districts, Permitted uses) of the Clark County Code is amended as follows:

L. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, water shed intake facilities, gas and water transmission lines. ~~and telecommunication facilities.~~

Section 5. Amendatory. Subsection 18.303A.020(H) (Rural Districts, Permitted uses) of the Clark County Code is amended as follows:

H. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, water shed intake facilities, gas and water transmission lines. ~~and telecommunication facilities.~~ (Sec. 3 (Exh. C) of Ord. 1998-07-19; amended by Sec. 11 of Ord. 1998-11-02)

Section 6. Amendatory. Subsection 18.304.020(G) (Rural Center Residential Districts, Permitted uses) of the Clark County Code is amended as follows:

G. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, water shed intake facilities, gas and water transmission lines. ~~and telecommunication facilities.~~ (Sec. 7 (Exh. 4) of Ord. 1998-06-20)

Section 7. Amendatory. Subsection 18.305.020 (H) (Urban Reserve Districts, Permitted uses) of the Clark County Code is amended as follows:

H. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, water shed intake facilities, gas and water transmission lines. ~~and telecommunication facilities.~~

Section 8. Amendatory. Subsection 18.306.020(H) (Urban Holding Districts, Permitted uses) of the Clark County Code is amended as follows:

H. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, water shed intake facilities, gas and water transmission lines. ~~and telecommunication facilities.~~

Section 9. Amendatory. Footnote 2 in Table 18.317A.040, Section 18.317A.040 (Industrial Districts, Dimensional Standards) of the Clark County Code is amended as follows:

² There is no minimum lot size for utility or tower facilities. All utility or tower facilities shall be set back twenty (20) feet from all property lines, and provide additional landscaping, as found in Table 18.402A-1. **See CCC Chapter 18.415 for requirements for wireless communications facilities.**

Section 10. Amendatory. Subsection 18.319.030 (D) (University District, Permitted uses) of the Clark County Code is amended as follows:

D. University information services, including but not limited to libraries, instructional media production, ~~telecommunications facilities~~, news and information centers, radio and television broadcasting facilities, bookstores, publication and printing services, and related information services.

Section 11. Amendatory. Footnote 4 in Table 402A-1, Section 18.402A.050 (Site Plan Review, Landscaping and screening design and approval standards) of the Clark County Code is amended as follows:

~~⁴ There is no minimum lot size for utility or tower facilities. All utility or tower facilities shall be set back twenty (20) feet from all property lines, and provide landscaped to an L5 standard.~~

Section 12. Amendatory. Subsection 18.406.020(O) (Provisions Applying to Special Uses, Utilities) of the Clark County Code is amended as follows:

O. Utilities. The erection, construction, reconstruction, alteration and maintenance of underground or aboveground transmission and distribution systems, including poles, towers, wires, mains, drains, sewers, in-ground sewage pumping facilities, pipes, conduits, cables, antennas, fire alarm boxes, police call boxes, traffic signals and other similar equipment, which does not require above-ground enclosed buildings as defined by Section 18.104.120 of this title, shall be permitted in any zoning district. Utility transmission lines, poles, and towers may exceed the height limitations otherwise provided for in this title. **This section does not apply to wireless communications facilities as defined in Section 18.415.020 (21).**

The erection, construction, reconstruction or alteration of utility substation facilities, as defined in Section 18.104.760 of this title, shall be permitted in any zoning district, subject to site plan approval pursuant to Chapter 18.402A.

Section 13. Amendatory. Subsection 20.50.025(3)(d) (SEPA and County Decisions, SEPA policies, Plants and Animals) of the Clark County Code is amended as follows:

(xii) Chapter 18.415, Wireless Communications Facilities.

Section 14. Amendatory. Subsection 20.50.025(3)(g) (SEPA and County Decisions, SEPA policies, Noise) of the Clark County Code is amended as follows:

(xvi) Chapter 18.415, Wireless Communications Facilities.

Section 15. Report. At the end of every calendar year following the adoption of this ordinance the Department of Community Development shall prepare a report for the Board of County Commissioners detailing the number of WCF applications that were processed, the time and expense of processing these applications, and the location of new WCFs permitted.

Section 16. Effective date. This ordinance shall go into effect at midnight on April 17, 2002, provided that applications for new support towers submitted under this ordinance shall not be accepted until May 1, 2002.

Section 17. Instructions to Clerk. The Clerk of the board shall:

- (1) Transmit a copy of this ordinance to the state within ten days of its adoption pursuant to RCW 36.70A.106;
- (2) Record a copy of this ordinance with the Clark County Auditor; and
- (3) Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290.

ADOPTED this _____ day of _____, 2002

Attest:

BOARD OF COUNTY COMMISSIONERS
FOR CLARK COUNTY, WASHINGTON

Clerk to the Board

By _____
Judie Stanton, Chair

Approved as to Form Only
ARTHUR D. CURTIS
Prosecuting Attorney

By _____
Craig Pridemore, Commissioner

By _____
Richard S. Lowry
Chief Civil Deputy Prosecuting Attorney

By _____
Betty Sue Morris, Commissioner

EXHIBIT A

CHAPTER 18.415 Wireless Communications Facilities

Sections:

- 18.415.010 Purpose**
- 18.415.020 Applicability and Exemptions**
- 18.415.030 Definitions**
- 18.415.040 Site Location of Wireless Communications Facilities**
- 18.415.050 Development Standards**
- 18.415.060 Design Standards**
- 18.415.070 Permit Process**
- 18.415.080 Temporary Facilities**
- 18.415.090 Abandonment and Removal**

18.415.010 Purpose

The purpose of this chapter is to protect visual and aesthetic features of Clark County while providing continuing opportunities for effective wireless communications services throughout the County. The following specific goals are intended to protect the safety and welfare of the citizens of Clark County, and to provide for planned development consistent with the Clark County Comprehensive Plan:

1. Promote maximum utilization and encourage collocation of new and existing wireless communications antennas to minimize the total number of support structures and towers throughout the County;
2. Encourage careful consideration of topography and location to ensure sites have minimal impact on views;
3. Encourage the location of support towers and antenna arrays in non-residential areas; and
4. Encourage siting of new support towers that minimizes wildlife impacts.

18.415.020 Applicability and Exemptions

A. Applicability. All wireless communications facilities (WCFs) that are not exempt pursuant to this section shall conform to the standards specified in this chapter. All WCFs in the Columbia River Gorge National Scenic Area shall additionally comply with the requirements of Chapter 18.334 of the Clark County Code.

B. Exemptions. The following are exempt from the provisions of this chapter and shall be allowed in all zoning districts:

1. Wireless communications facilities that were legally established prior to the effective date of this ordinance;
2. Temporary facilities used on the same property for seven days or less;
3. Temporary facilities that are used solely for emergency communications in the event of a disaster, emergency preparedness, or public health or safety purposes;

4. Two-way communication transmitters used for 1) emergency services including, but not limited to fire, police, and ambulance services, and 2) essential public utility services, including but not limited to electric, water and wastewater;
5. Licensed amateur (Ham) radio stations and citizen band stations;
6. Any maintenance or repair of previously approved wireless communications facilities provided that such activity does not increase height, width, or mass of the facility;
7. Roof-mounted dish antennas used for residential purposes, and VHF and UHF receive-only television antennas, provided they are fifteen (15) feet or less above the existing or proposed roof of the associated residential structures; and
8. The installation and use of an antenna or antennas smaller than one (1) meter in diameter for use by a private dwelling occupant for personal, home occupation, utility metering or private telecommunications purposes.

18.415.030 Definitions

1. **Amateur radio station.** A personal radio station licensed by the FCC, governed by Part 97 of the FCC's rules and regulations, and operated by a duly authorized person interested solely with a personal aim and without pecuniary interest.
2. **Antenna.** Any pole, panel, rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), microcell, and parabolic antenna (dish). The antenna does not include the support structure or tower.
3. **Array.** An array is twelve (12) antennas with a flat plate wind loading of not less than four (4) square feet per antenna; a standard antenna mounting structure such as stand-off arms, T-mounts, platforms or other similar structure that is sufficient to hold the antennas; cable ports at the base and at projected antenna levels on the support tower; and sufficient room within or on the support tower for twelve (12) runs of 7/8-inch coaxial cable from the base of the support tower to the antennas.
4. **Auxiliary Support Equipment.** All equipment necessary to process wireless communication signals and data, including but not limited to, electronic processing devices, air conditioning, emergency generators, and cabling interface devices. For the purposes of this chapter, auxiliary equipment shall also include the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary equipment does not include support towers or structures.
5. **Collocation.** Use of a common wireless communications support structure or tower for two or more antenna arrays.
6. **Federal Aviation Administration (FAA).** The federal regulatory agency responsible for the safety of the nation's air traffic control system, including airspace impacted by wireless communications support structures and towers.
7. **Federal Communications Commission (FCC).** The federal regulatory agency charged with regulating interstate and international communications by radio, television, wire, satellite, and cable.
8. **Height.** When referring to a wireless communications facility, height shall mean the distance measured from the original grade at the base of the support tower or structure to the highest point on the support tower or structure, including the antenna(s) and lightning rods.
9. **Infrastructure Provider.** An applicant whose proposal includes only the construction of new support towers or auxiliary structures to be subsequently utilized by service providers.

10. **Monopole.** A support tower composed of a single pole used to support one or more antenna(s) or arrays.
11. **Radiofrequency Energy (RF).** The energy used by cellular telephones, telecommunications facilities, and other wireless communications devices to transmit and receive voice, video and other data information.
12. **Residential district.** Any zoning district which has as its primary purpose single or multi-family residences, to include R and OR districts in urban areas and R and RC districts in non-urban areas.
13. **Rural areas.** Zoning districts outside urban growth boundaries.
14. **Setback.** For purposes of this chapter, a setback is the required distance from any structural part of a wireless communication facility (including support wires, support attachments, auxiliary support equipment and security fencing) to either the property line of the parent parcel on which the wireless communication facility is located or to the nearest dwelling, depending on location.
15. **Support Structure.** An existing building or other structure to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and signs. Support structures do not include support towers or any building or structure used for residential purposes.
16. **Support Tower.** A structure designed and constructed exclusively to support a wireless communication facility or an antenna array, including monopoles, self-supporting towers, guy-wire support tower, and other similar structures, excluding existing utility poles in any dedicated right-of-way.
17. **Temporary Facility.** Any wireless communication facility which is not deployed in a permanent manner, and which does not have a permanent foundation.
18. **Urban areas.** Zoning districts inside urban growth boundaries but outside city limits.
19. **Utility Pole Placement/Replacement.** Placement of antennas or antenna arrays on existing or replaced structures such as utility poles, light standards, and light poles for streets and parking lots.
20. **Wireless Communications.** Wireless Communications shall mean any personal wireless services as defined by the Federal Telecommunications Act of 1996, including but not limited to cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar FCC licensed commercial wireless telecommunications services that currently exist or that may in the future be developed.
21. **Wireless Communications Facility (WCF).** Any unstaffed facility for the transmission and/or reception of radio frequency (RF) signals for the provision of wireless communications.

18.415.040 Site Location of Wireless Communications Facilities. Wireless communications facilities are permitted in any zone in the unincorporated county subject to the following preferences and the limitations in Section 18.415.050(B). New wireless communications facilities shall be in conformance with all applicable standards as provided by this chapter.

A. Facility Priorities. The County's preferences for WCFs are listed below in descending order with the highest preference first.

1. Collocation with legally existing WCFs on support structures or support towers in non-residential districts;

2. Collocation with legally existing WCFs on support structures or support towers in residential districts;
3. New attached WCFs on support structures in non-residential districts;
4. New attached WCFs on support structures in residential zones;
5. New support towers.

B. Utility pole placement/replacement. Placement of antennas or antenna arrays on existing structures such as utility poles, light standards, and light poles for street and parking lots is preferred over new towers. Utility poles may be replaced for purposes of adding WCFs. Such replacements shall not be considered new support towers, and parcel size, setback, landscaping, and screening requirements of this chapter shall not apply. Unless SEPA review is required, utility pole placements/replacements require a Type I review and are subject to the following:

1. The existing pole may be replaced with a similar pole not exceeding fifteen (15) additional feet in height. Such increase in height shall only be allowed for the first replacement of the pole.
2. A pole extension may not exceed the diameter of the pole at the mounting point for the antennas.
3. For placement or replacement in public rights-of-way, auxiliary support equipment shall be mounted on the pole or placed underground. No at-grade support equipment in the right-of-way is permitted.
4. Replacements in public rights-of-way are subject to Chapters 12.20 and 13.12A.

C. Location Priorities for New Towers. The County's preferences for new support tower locations in rural areas and in urban areas are listed below in descending order with the highest preference first. There is no preference for urban versus rural locations.

1. Order of preference for new support towers in rural areas:
 - a. Rural Industrial outside rural centers (MH), to include UR-20
 - b. Forest Tier I (FR-80) and Tier II (FR-40)
 - c. Rural Industrial inside rural centers (MH)
 - d. Agriculture (AG-20)
 - e. Rural (R-20)
 - f. Rural (R-10; R-5), to include UR-10
 - g. Rural Commercial outside rural centers (CR-1)
 - h. Rural Commercial inside rural centers (CR-2)
 - i. Rural Center Residential (RC-2.5; RC-1)
2. Order of preference for new support towers in urban areas:
 - a. Heavy Industrial (MH)
 - b. Light Industrial (ML), to include UH-20
 - c. Highway Commercial (CH)
 - d. Limited Commercial (CL)
 - e. Other commercial districts, to include UH-10 and UH-5
 - f. Mixed Use (MX) districts
 - g. Residential districts

D. Lease Areas.

1. Except as otherwise required in this chapter, lease areas for new support towers shall be exempt from all lot standards of the zone in which they are permitted.
2. Approval of a tower site under this ordinance shall not be construed as creating a separate building lot for any other purpose unless it is created through platting or binding site plan approval.

18.415.050 Development Standards

A. Collocation. Wireless communications facilities shall be collocated to the greatest extent possible to minimize the total number of support towers throughout the County. To this end, the following requirements shall apply:

1. The County shall deny an application for a new support tower if the applicant does not demonstrate a good faith effort to collocate on an existing facility. Applicants for new support towers shall demonstrate to the Planning Director that collocation is infeasible by showing that at least one of the following conditions exists:
 - a. No existing towers or structures are located within the applicant's projected or planned service area for their facility; or
 - b. According to a qualified RF specialist, existing towers or structures cannot be reconfigured or modified to achieve sufficient height; or
 - c. According to a qualified RF specialist, collocation would result in electronic, electromagnetic, obstruction or other radio frequency interference with existing or proposed installations; or
 - d. According to a structural engineer, existing towers or structures do not meet minimum structural specifications or structural integrity for adequate and effective operations to meet service objectives; or
 - e. Collocation would cause a non-conformance situation (e.g., exceeding height restrictions); or
 - f. A reasonable financial arrangement between the applicant and the owner(s) of existing facilities could not be reached.
2. Carriers who collocate on existing towers or structures shall be allowed to construct or install accessory equipment and shelters as necessary for facility operation. Such development shall be subject to regulations under the Uniform Building Code (UBC), applicable development standards of the underlying zone, and applicable development standards pursuant to this chapter (e.g., lighting, security, signage).
3. Collocated WCFs within one (1) mile of any public safety building such as police or fire station shall be reviewed with Clark Regional Emergency Services Agency for possible interference with public safety communications.

B. New Support Towers. The following standards shall apply to new support towers:

1. New support towers allowed under this ordinance shall be designed to accommodate collocation. The following provisions shall apply:
 - a. All new support towers shall accommodate collocation opportunities for a minimum total of two (2) antenna arrays. A height bonus of up to twenty (20) percent of the maximum tower height allowed in Section 18.415.060(A)(2)(a) is allowed with one or more additionally proposed antenna arrays if the screening requirements of Section 18.415.060(A)(2)(b) are met.

- b. A support tower owner approved under this ordinance shall not deny a wireless provider the ability to collocate on their facility at a fair market rate or at another cost basis agreed to by the affected parties.
 - 2. New support tower installations shall be a minimum of one thousand (1000) feet from the county portions of NE Lucia Falls Road and SE Evergreen Highway, designated by the State as scenic highways.
 - 3. Unless the State Historic Preservation Officer determines there is no material impact, new support towers shall be a minimum of one thousand (1000) feet from all sites listed on either the National Register of Historic Places or the Clark County Heritage Register.
 - 4. New support towers within three (3) miles of a national wildlife refuge or within a thousand (1000) feet of those features or areas identified in Section 18.415.070(B)(2)(a)(iii) shall be reviewed for possible impacts to wildlife.
 - 5. New support towers within one (1) mile of any public safety building such as a police or fire station shall be reviewed with Clark Regional Emergency Services Agency for possible interference with public safety communications.
 - 6. New support towers shall comply with all FAA and state aeronautics requirements and regulations. Upon request, the applicant must provide evidence or certification of such compliance.
 - 7. Building permits for support towers shall not be issued to infrastructure providers until one or more wireless communications service providers that will use the support tower are identified.
- D. Signage.** Support towers and antenna(s) shall not be used for signage, symbols, flags, banners, or other devices or objects attached to or painted on any portion of a WCF. Any emergency information, public safety warnings, or additional signage required by a governmental agency shall be displayed in an appropriate manner.
- E. Noise.** Wireless communications facilities shall not generate noise levels in excess of maximum standards set forth in the Washington Administrative Code, WAC 173-60. Generators may be operated only for emergency purposes. If air conditioning or other noise-generating equipment is proposed, the applicant shall provide information detailing the expected noise level and any proposed abatement measures. This may require noise attenuation devices or other mitigation measures to minimize impacts.

18.415.060 Design Standards.

A. Height.

- 1. Support Structures. Attached WCFs shall not add more than fifteen (15) feet in height to the support structure (including utility pole replacements) to which they are attached.
- 2. New Support Towers.
 - a. Subject to height bonus allowances in Sections 18.415.050(B)(1) and 18.415.060(A)(2)(b) below, new support tower heights including all attachments are limited to the following:
 - i. Rural areas: One hundred sixty-five (165) feet.

- ii. Urban non-residential districts: one hundred twenty (120) feet, except as provided for in subsection (iii) below.
 - iii. Urban non-residential districts: one hundred fifty (150) feet when the tower setback is greater than twice the total tower height or the parcel is completely surrounded by industrial parcels.
 - iv. Urban residential districts: one hundred (100) feet.
- b. Tower height may be increased if eighty (80) percent of the final proposed tower is screened.

B. Setbacks.

1. All new support towers in rural areas shall maintain a setback described in (a) or (b), whichever is greater:
 - a. A minimum 50-foot setback from the property line of the parent parcel or from a right-of way line; or
 - b. A distance equal to or greater than the total tower height from the nearest residence.
2. a. Setbacks for all new support towers in urban non-residential areas shall be those of the underlying district.
 - b. All new support towers in urban residential areas shall maintain a setback equal to or greater than the tower height from the nearest residence on another parcels, or otherwise comply with the setbacks of the underlying district.
3. Setbacks for auxiliary support equipment shall be those of the underlying zoning district.
4. An exception may be granted for a location within the setback which is clearly preferable based on a review by the Planning Director and provided such location has written from the property owners adjacent to the affected setback line.
5. Setbacks shall not apply to easements established solely for the purpose of access to the WCF.

C. Landscaping and Screening.

1. A landscaping and screening plan shall be submitted with all new support tower applications.
2. Screening. Screening of new towers with existing tower-obscuring vegetation or buildings is preferred. If this requirement cannot be met, new support towers shall be screened with vegetation appropriate to the site, unless incompatible with the general surroundings and environment in the area. Such vegetation shall consist of a mix of native tree species that will reach a height of 30 feet or more and be eighty (80) percent opaque year around. Planted evergreen species shall be fully branched and a minimum of six (6) feet high when planted. The required screening shall be permanently maintained in accordance with the provisions of Section 18.402A.050.
3. Landscaping. All new support towers and associated structures shall be fully enclosed within a minimum six-foot (6') high gated and locked security fence. A minimum five-foot (5') landscape buffer shall be established surrounding the enclosure, containing landscape plantings meeting the L3 standard as described in Section 18.402A.050. A wall or fence may ~~not~~ be substituted for the required shrubs where compatible with the general surroundings and environment of the area. Fencing, and landscaping, and screening are not required on any side of the site made up by existing buildings. The

required landscaping shall be permanently maintained in accordance with the provisions of Section 18.402A.050.

4. **Owner Assurances.** To assure continued compliance with landscaping and screening requirements, a covenant or other appropriate instrument may be required from the property owner.

D. Color. For all new wireless communications facilities, the following criteria shall apply:

1. Unless otherwise required by the FAA, all support towers and antennas shall have a non-glare finish and blend with the natural background.
2. Attached WCFs shall be of a color that matches the color of the supporting structure to the greatest extent to minimize visual impacts.

E. Lighting. Except as required by the FAA, artificial lighting of wireless communications towers shall be prohibited. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment is allowed, provided that lighting is shielded to keep direct light within the site boundaries. Strobe lighting is prohibited unless required by the FAA.

F. Variances. Any applicant may request a variance from the standards of this chapter. Requests for variance shall be made in accordance with the procedures and criteria specified in the Chapter 18.501, Variances. In addition to the requirements of Chapter 18.501, the applicant shall demonstrate the following:

1. Strict adherence to the provisions of this chapter will result in an inability of the applicant to provide adequate WCF services within Clark County; and
2. The granting of the variance will not adversely affect views from designated scenic highways or areas of historic or cultural significance.

18.415.070 Permit Process

A. Process Review. Table 18.415-1 shows required levels of WCF application review in terms of district location. Each type is subject to Chapters 18.402A, Site Plan Review, and 18.600, Procedures. Proposals requiring Type III review shall necessitate approval of a Conditional Use Permit. Facilities exempt from threshold determination and EIS requirements under SEPA are listed in WAC 197-11-800(27).

B. Application Submittal. Applications for the location and development of wireless communications facilities shall include the following:

1. For all facilities:
 - a. A narrative demonstrating how the proposal meets the criteria in Sections 18.415.040, Site Location, 18.415.050, Development Standards, and 18.415.060, Design Standards.
 - b. A site plan that meets the requirements of Section 18.402A.
 - c. A comprehensive description of the existing or proposed facility including the technical reasons for the design and configuration of the facility, design and dimensional information, anticipated coverage of the facility, and the ability to accommodate future collocation opportunities.

Table 18.415-1: Processing Requirements for Wireless Communications Facilities

	Collocation on Existing Support Towers	Attached WCFs on Existing Support Structures	New Support Towers
WCFs in Rural Areas (outside UGBs)			
Industrial outside rural centers (MH)	1	1	2; 3
Forest Tier I (FR-80) and Tier II (FR-40)	1	1	2; 3
Industrial inside rural centers (MH)	1	1	2; 3
Agriculture (AG-20)	1	1	3
Rural (R-20)	2	2	3
Rural (R-10; R-5)	2	2	3
Rural Commercial outside rural centers (CR-1)	2	2	3
Rural Commercial inside rural centers (CR-2)	2	2	3
Rural Center Residential (RC-2.5; RC-1)	2	2	3
WCFs in Urban Areas (inside UGBs outside city limits)			
Heavy Industrial (MH)	1	1	2; 3
Light Industrial (ML)	1	1	2; 3
Highway Commercial (CH)	1	1; 2	3
Limited Commercial (CL)	1	1; 2	3
Other Commercial	1	1; 2	3
Residential	2	2	3
Temporary Use (not to exceed 60 days)			
All districts	1	1	1

NOTE: Type 1's become Type 2's if the facility is not categorically exempt under WAC 197-11-800(27)

NOTE: In UH and UR districts, collocates and attached WCFs are Type 2's and new towers are Type 3's

1; 2 = Type 1 without a residence on an adjacent parcel; Type 2 with a residence on an adjacent parcel

2; 3 = Type 2, unless tower location is within 500 feet of a parcel where a Type 3 review would be required

The preferred district locations for WCFs in rural and urban areas are in order from top to bottom

The preferred WCF types are in order from left to right

- d. Documentation that establishes the applicant's right to use the site shall be provided at the time of application by a copy of the proposed lease agreement, easement agreement or license agreement.
 - e. If camouflage technology is proposed, the applicant shall provide a complete description of the suggested camouflage, including style and materials to be used, a photographic depiction of the proposed facility, and a maintenance plan detailing provisions for the continued effectiveness of the suggested camouflage for the life of the facility.
 - f. An analysis of the proposal area and discussion of factors influencing the decision to target the proposed location. Such analysis shall include the good faith efforts and measures taken to secure a higher priority location; how and why such efforts were unsuccessful; and how and why the proposed site is essential to meet service demands for the geographic service area.
 - g. The application materials shall include a photographic analysis of the proposed site, including a representation of existing conditions and photographic simulations depicting views of any new support structures or towers.
 - h. Any additional applicable information the Planning Director deems necessary to adequately review the proposal.
2. Additionally, for new support towers:
- a. An aerial photograph, which clearly indicates the location of the proposed facility in relation to:
 - i. Significant features within 1320 feet including, but not limited to, existing and/or proposed site structures, public rights-of way, residential developments, adjacent land uses, and properties used for public purposes;
 - ii. Governmental jurisdictional boundaries within five hundred (500) feet of the proposal boundaries; and
 - iii. Cliffs, snags, talus, Oregon white oak woodlands, urban natural open space, waterfowl habitat and bald eagle foraging areas within a thousand (1000) feet as defined by the Department of Fish and Wildlife as Priority Habitats and Species areas subject to CCC Chapter 13.51.
 - b. Elevation drawings of the proposed site and facility, including the tower, equipment structures, antennas, mounts and, if applicable, any existing structures. Other applicable features, including but not limited to security fencing and screening shall be included.
 - c. Evidence that a neighborhood meeting has been held in compliance with the neighborhood meeting requirements set forth in Section 18.415.070(C) below.
 - d. Proposals for new support towers shall include a detailed landscaping and screening plan, including existing and proposed vegetation, installation procedures, and landscaping/screening maintenance plans in accordance with 18.402A.030(H)(3)(c).
 - e. Applicants shall present an analysis of existing WCFs within the intended service area, describing the status of collocation opportunities at these sites.
 - f. The application materials shall include a report stamped, dated and signed by a licensed professional engineer registered in the State of Washington demonstrating the following:
 - 1) The facility complies with all requirements of the Uniform Building Code;
 - 2) The structural capability of the facility will support co-located antennas (if applicable);

- 3) The facility complies with all applicable standards of the FAA and FCC, including RF energy standards.
 - 4) The basis for the calculation of capacities.
 - g. The location of new support towers in relation to any national wildlife refuge.
 - h. Applicants shall provide evidence of compliance with FAA requirements at the time of application.
- C. Neighborhood meeting. 1. The applicant shall hold a neighborhood meeting prior to the submission of a Type III application for a new support tower. The sole purpose of the neighborhood meeting is to exchange information on the siting and design of the new support tower, and should be scheduled to allow maximum flexibility for review of issues and alternatives prior to the application. The neighborhood meeting shall be held at a location within a reasonable distance of the proposed development site on a weekday evening at a reasonable time. A preapplication conference is not a substitute for the required neighborhood meeting.
2. Requirements.
- a. The applicant shall send a notice of the meeting at least 15 days prior to the scheduled meeting to:
 - i. the Chair of the Neighborhood Associations Council of Clark County (NACCC);
 - ii. the County-recognized official representative of the Neighborhood Association, if one exists, that includes the proposed site;
 - iii. the County staff representative responsible for neighborhood relations; and
 - iv. all landowners within the notification radius of the proposed site as specified in Section 18.415.070(D) below.

Coincidental with the notification mailing, the applicant shall post the meeting notification in the neighborhood news section of the local press, and shall post a sign with the neighborhood notification in a conspicuous location near the edge of the property containing the proposed development.
 - b. The notice must identify the date, time and place of the meeting and provide a brief description of the proposed development.
 - c. A copy of the notice, mailing list, return receipts from those recipients noticed in 2(a) above, and the proposed development plan as presented at the meeting, as well as minutes and the sign-in sheet from the meeting shall be submitted with the application.

D. Notification. Notification procedures of Section 18.600.085 shall apply, except that for new support towers and support structures supporting WCF antennas for the first time the notification radius shall be 1320 feet (1/4-mile) in rural areas and 660 feet (1/8-mile) in urban areas.

E. Third Party Review. The hearings officer may require a technical review by a third party of the applicant's justification under Sections 18.415.070(B)(1)(c) and 18.415.070(B)(1)(f) for a new tower location as part of the Type III permit review process. The first \$2000 of cost of the technical review shall be borne by the applicant, and such cost will be adjusted annually based on the Implicit Price Deflator as determined by the Clark County Budget Office.

18.415.080 Temporary Facilities. In order to facilitate continuity of services during maintenance or repair of existing installations, or prior to completion of construction of a new WCF, temporary facilities shall be allowed subject to a Type I administrative review.

Temporary facilities shall not be in use in excess of sixty (60) days at any one location during in any given 180-day period. Temporary facilities shall not have a permanent foundation, and shall be removed within thirty (30) days of suspension of services they provide.

18.415.090 Removal for discontinuance of service.

- 1) WCFs which have not provided service for 180 days shall be removed, and the site re-vegetated, unless an application is pending for service provision.
- 2) Permits for new towers shall contain a provision requiring written notice to the Department of any discontinuance of service which exceeds 90 consecutive days.